

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8284 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

KALA SAHITYA EDUCATION TRUST

Versus

DIRECTOR OF SOCIAL WELFARE DEPTT

Appearance:

MR MB GANDHI for Petitioner

Mr.K.T.Dave, Asstt.GOVERNMENT PLEADER for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 10/08/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner has challenged the order dated 7.12.1998(at annexure "E" to the petition) passed by the Director of Social Welfare Department and order in

appeal dated 22.3.1999 passed by the Secretary, Social Welfare Department, State Government cancelling the recognition granted to the petitioner to run a boys hostel at village Baldana, Taluka Dholka, District Ahmedabad.

2. The impugned order was passed by the authorities on noticing following deficiencies:

(i) The hostel is run in the school premises and there is no separate hostel,

(ii) The premises do not have any bath-room and there are only two toilets,

(iii) There is no electricity,

(iv) The petitioner does not have sufficient food stocks to last for a month,

(v) Most of the account books were not available in the hostel,

(vi) The rector was absent and his presence was not there,

(vii) The Assistant Lady Cook was not present.

3. While issuing notice on 21.10.99 this court had recorded the averments made on behalf of the petitioner that as far as electricity is concerned, there is no electricity in the village Baldana which is at a far flung place in a backward area of Taluka Dholka and since the electricity connection is at a distance of 1.5 KMS from the hostel premises and the installation cost of the line would be not less than Rs.5 lacs which the petitioner can not afford. It is submitted that the area in question is a tribal area and the students belong to Scheduled Tribe(Adivasis). Moreover, the petitioner is not even given any building grant or maintenance grant.

4. In view of the above submissions, it appears to this Court that the authorities are not justified in insisting that the petitioner must provide electricity when the nearby houses/buildings have no electricity and that cost of getting electricity connection is not affordable to the petitioner.

5. As far as provision of toilets and bath rooms are concerned, the petitioner have two latrines and no bath

rooms and the petitioner should first provide bath rooms and toilets and thereafter request the respondents for consideration of petitioner's application for recognition.

6. As far as the provision for separate building for hostel is concerned, it appears that the petitioner has been managing to run the school and hostel in the same premises since 1990. That is, of course, not an ideal situation, but since the petitioner is not getting any building grant or maintenance grant, the learned counsel for the petitioner states that if the petitioner can raise funds by collecting donations, or if the Government gives the petitioner building grant/building advance in near future, the petitioner can construct a separate building exclusively for the hostel.

7. As far as maintenance of sufficient stock of food articles for one month and maintenance of books of accounts are concerned, the learned counsel for petitioner states that the petitioner shall file undertaking before respondent No.1 Director that the said deficiencies will be taken care of.

8. As regards absence of rector and Assistant Lady Cook, the learned counsel for petitioner states that the petitioner shall also file an undertaking that the rector and lady assistant cook shall now remain present except for reasons beyond their control for which necessary record will be maintained.

9. It is open to the petitioner to submit an application to the respondent No.1 Director of Social Welfare Department making necessary averments and giving necessary assurances as stated above.

As and when the petitioner makes such an application, respondent No.1 shall consider the same in light of the observations made hereinabove and take decision within two months from the date of receipt of such application from the petitioner.

10. The petition is accordingly disposed of in terms of above observations. Rule is discharged. There shall be no order as to costs.

